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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

JUN 01 2006

at 2 o'clock and 5 min
SUE BEITIA, CLERK

Attorneys for Defendant
JANE CALFEE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JOHN MCALLISTER,)	Civil No. CV 04 00625 ^{JMS} SOM BMK
vs.)	DEFENDANT JANE CALFEE'S
UNIVERSITY OF HAWAII;)	MEMORANDUM IN OPPOSITION TO
KAPIOLANI COMMUNITY COLLEGE;)	PLAINTIFFS' MOTION FOR
JANE CALFEE, Instructor at)	TEMPORARY RESTRAINING ORDER
Kapiolani Community College;)	AND PRELIMINARY INJUNCTION;
RICHARD DOE, Academic Counselor)	CERTIFICATE OF SERVICE
at Kapiolani Community College;)	
JILL MAGNAGON, Director of)	
Academic Counseling at)	
Kapiolani Community College;)	
MONA LEE, Dean of Student)	
Services at Kapiolani Community)	
College,)	
Defendants.)	
)	
)	

HEARING:DATE: June 5, 2006TIME: 10:00 a.m.JUDGE: Hon. Michael SeabrightTRIAL DATE: August 8, 2006

**DEFENDANT JANE CALFEE'S MEMORANDUM IN OPPOSITION TO PLAINTIFF'S
 MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Comes now, Defendant JANE CALFEE, by and through her attorneys, WATANABE ING & KOMEIJI, LLP, and hereby submits the

following Memorandum in Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, filed on May 29, 2006.

I. INTRODUCTION

Defendant CALFEE requests that this Court deny Plaintiff JOHN McALLISTER's ("Plaintiff") Motion for Temporary Restraining Order and Preliminary Injunction ("Motion") to the extent that it seeks any relief from Defendant CALFEE.

II. ARGUMENT

The ultimate relief requested in Plaintiff's Motion, although unclear, appears to be for an order "lifting the bar to his registration and continuation of V.A. Education benefits including room and board and living expenses and his work-study job, and re-instatating the \$50.00 per month repayment agreement of this debt." See Motion at the unnumbered fourth and fifth pages. For the reasons stated in the opposition prepared by Defendants UNIVERSITY OF HAWAII, KAPIOLANI COMMUNITY COLLEGE, RICHARD DOE, JILL MAKAGON (incorrectly identified as Jill Magnagon), and MONA LEE (collectively referred to as "UH Defendants"), Defendant CALFEE requests that the Motion be denied, and thereby joins in the same pursuant to LR 7.9 of the Rules of the United States District Court for the District of Hawaii.

Defendant CALFEE also disputes the unsupported and inflammatory allegations about her that are contained in Plaintiff's Motion. Such issues are, indeed, factual disputes

that should be left for adjudication at trial. Defendant CALFEE thus requests that Plaintiff's Motion be denied to the extent that it seeks to impose any liability on Defendant CALFEE, or determine any factual disputes related to Defendant CALFEE at this time.

III. CONCLUSION

Based on the foregoing, Defendant JANE CALFEE respectfully requests that this Court deny Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction.

DATED: Honolulu, Hawaii, June 1, 2006.



JOHN T. KOMEIJI
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Attorneys for Defendant
JANE CALFEE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JOHN MCALLISTER,) Civil No. CV 04 00625SOM BMK
)
Plaintiff,) CERTIFICATE OF SERVICE
)
vs.)
)
UNIVERSITY OF HAWAI`I;)
KAPIOLANI COMMUNITY COLLEGE;)
JANE CALFEE, Instructor at)
Kapiolani Community College;)
RICHARD DOE, Academic Counselor)
at Kapiolani Community College;)
JILL MAGNAGON, Director of)
Academic Counseling at)
Kapiolani Community College;)
MONA LEE, Dean of Student)
Services at Kapiolani Community)
College,)
)
Defendants.)
)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served on the following by depositing same in the United States Mail, postage prepaid, addressed to their following last known addresses:

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(incorrectly identified as Jill
Magnagon) and MONA LEE

DATED: Honolulu, Hawaii, June 1, 2006.


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JANE CALFEE